

FILED

JAN 29 2015

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN MERCHBERGER III,

Defendant.

CR-14-27-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before the undersigned pursuant to Fed. R. Crim. P. 11 and has entered a plea of guilty to the charge of conspiracy to advertise child pornography in violation of 18 U.S.C. § 2251(d)&(e), as set forth in the Indictment. The Defendant admits to the forfeiture allegation. After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against him, and an informed and voluntary admission to the allegation of forfeiture;
2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,
3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

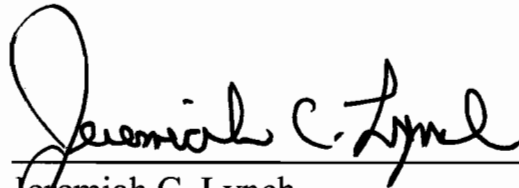
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offense charged against him, and admitting to the allegation of forfeiture;

5. That both his plea of guilty to the criminal offense charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the offense charged and the legal basis for the forfeiture.

Therefore, I recommend that the Defendant be adjudged guilty of the charge set forth in the Indictment and that sentence be imposed. I further recommend that the agreed forfeiture be imposed against Defendant. A presentence report has been ordered.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the presentence report.

DATED this 29th day of January, 2015.



Jeremiah C. Lynch
United States Magistrate Judge